



Entered on Docket  
October 14, 2011

Hon. Linda B. Riegler  
United States Bankruptcy Judge

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*Local Counsel for the Reorganized Debtors*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

**In re:**

**THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," et al.,**

**Reorganized Debtors.**

- ☒ **Affects all Debtors**  
☐ **Affects the following Debtors**

Chapter 11

Case No. BK-S-09-14814-LBR  
(Jointly Administered)

**ORDER AUTHORIZING THE  
REORGANIZED DEBTORS TO EXPUNGE  
AND OTHERWISE DISALLOWING THE  
PINNACLE EQUIPMENT SCHEDULED  
CLAIM**

**Hearing Date: 9/27/2011**  
**Hearing Time: 10:30 a.m. (PST)**  
**Courtroom 1**

The Court, having considered the pleadings filed by the parties with respect to this matter; and having jurisdiction to consider those pleadings and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core

1 proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court  
2 pursuant to 28 U.S.C. §§ 1408 and 1409, and the facts being as follows:

3 WHEREAS, on August 2, 2011, this Court held a hearing (the "Hearing") regarding  
4 the Reorganized Debtors' objection to Rhodes's proof of claim (the "Proof of Claim")  
5 seeking, among other things, \$868,849 allegedly advanced to Greenway Partners, LLC (the  
6 "Greenway Partners Claim") and continued the hearing with respect to certain Scheduled  
7 Claims (as defined below) unrelated to the Proof of Claim. The Greenway Partners Claim  
8 and the Scheduled Claims are collectively referred to herein as the "Remaining Claims";

10 WHEREAS, the Hearing was continued to September 27, 2011;

11 WHEREAS, on September 27, 2011, this Court heard further arguments with respect  
12 to the Greenway Partners Claim and initial arguments regarding certain obligations reflected  
13 in the Reorganized Debtors' April 30, 2009 schedules of assets and liabilities—specifically,  
14 Rhodes Homes Arizona's alleged obligation to compensate Rhodes for certain services (the  
15 "Compensation Claim"), Pinnacle Grading, LLC's alleged obligation to make certain  
16 equipment rental payments to Pinnacle Equipment Rental, LLC (the "Pinnacle Equipment  
17 Claim"), and Heritage Land Company's alleged obligation to repay Sedora Holdings, LLC  
18 for its payment of certain litigation expenses (the "Sedora Claim" and, together with the  
19 Compensation Claim and the Pinnacle Equipment Claim, the "Scheduled Claims");

21 WHEREAS, for the reasons set forth in the transcript, this Court sustained the  
22 Reorganized Debtors' objection as to the Pinnacle Equipment Claim.  
23

24 **IT IS HEREBY ORDERED THAT:**

25 1. The Reorganized Debtors may amend the Schedules to expunge the Pinnacle  
26 Equipment Claim and the Pinnacle Equipment Claim is hereby disallowed; and  
27  
28

2. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

**SUBMITTED BY:**

**KOLESAR & LEATHAM**

By: 

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*Counsel for the Reorganized Debtors*

**APPROVED BY:**

**FABIAN & CLENDENIN, P.C.**

By: /s/ Kevin Anderson

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*Counsel for James M. Rhodes*

1 LR 9021(c) Certification:2 In accordance with LR 9021, counsel submitting this document certifies that the order  
3 accurately reflects the court's ruling and that (check one):4 ☐ The court has waived the requirement set forth in LR 9021(b)(1).5 ☐ No party appeared at the hearing or filed an objection to the motion.6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the  
7 hearing, and any unrepresented parties who appeared at the hearing, and each has  
8 approved or disapproved the order, or failed to respond, as indicated below [list each  
9 party and whether the party has approved, disapproved, or failed to respond to the  
10 document]:

<u>Party</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Failed to Respond</u>
<u>Kevin N. Anderson, Esq.</u>	<u>X</u>	<u></u>	<u></u>

11 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order  
12 with the motion pursuant to LR 9014(g), and that no party has objected to the form or  
13 content of the order.14 ###  
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